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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,603	03/29/2001	Gregory W. Easley	59124.000011	4194
7590 10/25/2005 SCOTT W. DOYLE, ESQ. MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD, SUITE 300 MCLEAN, VA 22012			EXAMINER HOTALING, JOHN M	
			ART UNIT	PAPER NUMBER
			3714	
DATE MAILED: 10/25/2005				

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/819,603
Filing Date: March 29, 2001
Appellant(s): EASLEY ET AL.

MAILED

OCT 25 2005

Group 3700

James M Denaro
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3/14/05 appealing from the Office action
mailed 9/13/04.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,152,824

ROTHSCHILD et al

11-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is the grounds of rejection as contained in the final office action.

This rejection is maintained and incorporated herein for the convenience of the board.

Claims 1-21 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Rothschild et al US Patent 6,152,824. The previous rejection is maintained and incorporated herein. A reading of Rothschild by an artisan of ordinary skill teaches and discloses each and every claim element of the instant application.

With respect to one or more users in communication with one or more servers see figure 3 element numbers 13-15 and column 3 lines 3:50-67. With respect to one or more consol systems see columns 4-8 and any reference to game instance class server and game upper level protocol server program. With respect to the claim limitation relative to providing interactive game content to the remote system user see column 1 lines 50-55. With respect to the amended subject matter please see columns 4-8 which disclose that the Gizmo ("client computer upon which the gizmo is running" !!:06-65.) links to one or more servers and programs to log on and authenticate or to connect to another Master Control Program (MCP) which may represent the type or class of game that is desired. See also private key authentication (column 4) that is a parameter passed by the one or more game modules to the one or more game servers. With respect to the transfer of information and parameters please see above and the entire disclosure of Rothschild.

The following is the grounds of rejection as contained in the non-final office action. This rejection is maintained and incorporated herein for the convenience of the board.

Claims 1-21 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Rothschild et al US Patent 6,152,824. A reading of Rothschild by an artisan of ordinary skill teaches and discloses each and every claim element of the instant application. Columns 3-5 disclose a logon application; column 6 discloses services offered to the user including buildings lobbies, game rooms, chat functions, games, etc. Column 7 discloses a ping protocol. Columns 9-11 disclose the game programs and protocols, lobbies and chat rooms.

(10) Response to Argument

For the convenience of the board below is a comparison of each claim element and where it is located in Rothschild.

1. A system for providing functionality to remote users at individually addressable systems, the system comprising:	1:20-25 using a centralized server computer for bringing together players who wish to engage mutually in an online real-time multiplayer computer game. 3:50-55 Referring again to FIG. 3, the MPis provide the Gizmo with, inter alia, the well-known Net address or addresses of one or more Server computers 13, 14, 15 that run Master Control Programs (MCPs) 16, 17, 18.
one or more servers in communication with one	Fig 3 part numbers 13, 14, 15 servers, 1 console, 10 gizmo (remote user)

or more remote user systems wherein the remote user systems are individually addressable;	systems), 11 interface, 12 configuration files (base functionality modules) 3:50-55 Referring again to FIG. 3, the MPIs provide the Gizmo with, inter alia, the well-known Net address or addresses of one or more Server computers 13, 14, 15 that run Master Control Programs (MCPs) 16, 17, 18.
one or more console systems operating on the one or more servers wherein the console systems comprise one or more base-functionality modules; and	2:1-15 Master control Program (MCP) = consol systems operating on servers 6:33-7:3 Matchmaker = base functionality module operating on a server
one or more software game modules that utilize functionality provided by the console system to provide interactive game content to the remote user system;	11:45-67 discloses a GULP a game upper level protocol server which multicasts the game data amongst the players. Game launching also comprises launching the game program executable on the client computer. The game executable sends and receives data by to and from the Gizmo and Gizmo in turn forwards the game data to and from the appropriate Game Instance Class Server (GICS)
at least one application programming interface for the one or more game modules transferring at least one parameter passed by the one or more consoles or servers to the one or more game modules and transferring at least one parameter passed by the one or more game	11:25-45 discloses the types of Game Upper Level Protol (GULP) Thus, a game room is associated with a so-called Chat GICS and the Chat GICS owns several GULPs. In particular for a Chat GICS the types of GULP are: a speech GULP, a text GULP, a scribble GULP, a game settings GULP. The speech GULP is used to multicast digitized encoded

modules to the one or more consoles or servers and wherein the interface further comprises a common interface for connecting additional modules;	sound data that represents the speech spoken by a user into the microphone attached to his computer. A text GULP multicasts the text that each user types in to all the Gizmo serving the other users in the room. Similarly a scribble GULP allows for freehand drawing on a shared whiteboard. And the game settings GULP is used to communicate with game class specific programs residing in the Gizmo to allow for the negotiation of game parameters for example smooth or rough terrain for a racing game. The game settings GULP also maintains the consent status of players, when a player is satisfied with the game settings he consents to play. Once a correct number of players have consented a game instance may be launched as a result of one of the players commanding his Gizmo to have this set in motion.
wherein one or more parameters are received from the remote user system at the console system;	See above and 1:20-25 this is related to using a centralized server computer for bringing together players who wish to engage mutually in an on-line real time multi-player computer game. Which provides a means of secure and efficient communications between the users and online gaming servers.
wherein the software game module passes game-specific information to the console system; and	See above with respect to 11:45-67
wherein the console system communicates with the remote user system using a base-	Login and 6:39 brings players together and separate game instances

functionality module in a manner determined by the game-specific information. .	
2. The system of claim 1 wherein the console system is in communication with one or more multi-player functionality modules.	Match Maker (MM) 6:32-7:3
3. The system of claim 1 wherein the console system is in communication with one or more game service modules.	A game service module could be a chat or a ping protocol as disclosed in 7:18-45 and 10:35-64 respectively.
4. The system of claim 1 wherein the base functionality modules comprise one or more of registration module, prize module, email module, notification module, reporting module, and system/error module.	Login 5:25-43
5. The system of claim 2 wherein the multi-player functionality modules comprise one or more of chat module, ping module, style functionality, gateway module, lobby module, game selection module, and game server module.	6:32-7:3 MM and 7:18-45 Ping Protocol (PP)
6. The system of claim 3 wherein the game service modules comprise one or more of trivia module, fantasy module, predictive module and chat for single play module.	10:35-64 chat in a SV. 1:20-25 using a centralized server computer for bringing together players who wish to engage mutually in an online real-time multiplayer computer game.
7. The system of claim 2 wherein the multi-player functionality module comprises a gateway module that generates a list of games and player data.	9:57-10:34 supplies list of Game Instance Class Servers (GICS) to the Gizmo
8. The system of claim 2 wherein the multi-player functionality module comprises a	9:57-10:64 supplies list of Game Instance Class Servers (GICS) to the Gizmo and chat functionality as well

lobby module that contains game data, player data, menu options, and chat functionality.	as a lobby module
9. The system of claim 1 wherein the interactive game content comprises a real-time event displayed on the remote user system.	1:20-25 using a centralized server computer for bringing together players who wish to engage mutually in an online real-time multiplayer computer game.
10. The system of claim 9 wherein the remote user system comprises one or more of television, digital television, computer monitor, and wireless device.	3:40-41 video display
11. A method for providing functionality to remote users at individually addressable systems, the system comprising the steps of:	1:20-25 using a centralized server computer for bringing together players who wish to engage mutually in an online real-time multiplayer computer game. 3:50-55 Referring again to FIG. 3, the MPIs provide the Gizmo with, inter alia, the well-known Net address or addresses of one or more Server computers 13, 14, 15 that run Master Control Programs (MCPs) 16, 17, 18.
communicating with one or more remote user systems wherein the remote user systems are individually addressable;	Fig 3 part numbers 13, 14, 15 servers, 1 console, 10 gizmo (remote user systems), 11 interface, 12 configuration files (base functionality modules) 3:50-55 Referring again to FIG. 3, the MPIs provide the Gizmo with, inter alia, the well-known Net address or addresses of one or more Server computers 13, 14, 15 that run Master Control Programs (MCPs) 16, 17, 18.

operating a remote console system wherein the console system comprises one or more base functionality modules;	2:1-15 Master control Program (MCP) = consol systems operating on servers 6:33-7:3 Matchmaker = base functionality module operating on a server
providing interactive game content to the remote user system via a software game module that utilizes one or more base functionality modules;	11:45-67 discloses a GULP a game upper level protocol server which multicasts the game data amongst the players. Game launching also comprises launching the game program executable on the client computer. The game executable sends and receives data by to and from the Gizmo and Gizmo in turn forwards the game data to and from the appropriate Game Instance Class Server (GICS)
passing at least one parameter through an application programming interface defining at least one parameter passed by the console system to the game module and defining at least one parameter passed by the game module to the console system and wherein the interface further comprises a common interface for connecting additional modules; and	MATCHMAKER Next the Gizmo is to become authenticated with yet another Server program, in this case it is a Server program called a Matchmaker (MM), but there are a number of prerequisites to this authentication. Matchmakers execute on a Server that does not host any MCPs. A Matchmaker provides (to Gizmos) services that support such operations as bringing players together and supervising game instances. These are termed rendezvous services. The conceptual structure of these software services provided by a MM is shown in FIG. 9. Referring to FIG. 9, there are an open ended number of Game classes (GC) 550, each game class is supported by one or

	<p>more Matchmakers (MM) 551, and indeed some MMs support more than one GC. Closely associated with each MM and executing in the same Server computer are other software objects and these include: Buildings (B) 552, Lobbies (L) 553, Game Rooms (GR) 554, Chat Game Connections (CGC) 555 and Playable Game Connections (PGC) 556. Although a MM may consist of one or more Buildings (B), each B maps to precisely one Lobby (L). For each MM there is an open ended pool of Game Rooms (GR) which are shared by all Lobbies in that MM. Each GR is associated with precisely one CGC and precisely one PGC. MMs exist primarily to provide services to Gizmos and for a Gizmo to be able to use the services of a particular MM.</p>
communicating one or more parameters from the remote user system to the console system;	Multi player game and chat
wherein the software game module passes game-specific information to the console system; and wherein the console system communicates with the remote user system using a base-functionality module in a manner determined by the game-specific information.	Login and 6:39 brings players together and separate game instances
12. The method of claim 11 wherein the console system is in communication with one or more multi-player functionality modules.	Match Maker (MM) 6:32-7:3
13. The method of claim 11 wherein the console system is in communication with one or more game service modules.	A game service module could be a chat or a ping protocol as disclosed in 7:18-45 and 10:35-64 respectively.

14. The method of claim 11 wherein the console system is operating at a central server.	2:1-15 Master control Program (MCP) = consol systems operating on servers
15. The method of claim 11 wherein the base functionality modules comprise one or more of registration module, prize module, email module, notification module, reporting module, and system/error module.	Login 5:25-43, Figure 8 list of new MCP updated.
16. The method of claim 12 wherein the multi-player functionality modules comprise one or more of chat module, ping module, style functionality, gateway module, lobby module, game selection module, and game server module.	6:32-7:3 Match Maker 7:18-45 Ping Protocol
17. The method of claim 13 wherein the game service modules comprise one or more of trivia module, fantasy module, predictive module and chat for single play module.	10:35-64 chat in a SV. 1:20-25 using a centralized server computer for bringing together players who wish to engage mutually in an online real-time multiplayer computer game.
18. The method of claim 12 wherein the multi-player functionality module comprises a gateway module that generates a list of games and player data.	9:57-10:34 supplies list of Game Instance Class Servers (GICS) to the Gizmo
19. The method of claim 12 wherein the multi-player functionality module comprises a lobby module that contains game data, player data, menu options, and chat functionality.	9:57-10:64 supplies list of Game Instance Class Servers (GICS) to the Gizmo and chat functionality and a lobby module
20. The method of claim 11 wherein the interactive game content comprises a real-	1:20-25 using a centralized server

time event displayed on the remote user system.	computer for bringing together players who wish to engage mutually in an online real-time multiplayer computer game.
21. The method of claim 19 wherein the remote user system comprises one or more of television digital television, computer monitor, and wireless device.	3:40-41 video display

With respect to the appellant's arguments that Rothschild does not disclose systems or methods including a modular system which includes an application programming interface comprising a common interface for connecting additional modules the examiner would point to columns 5-6 of Rothschild. In this section, the modularity of the system, (the term modular not specifically used) is pointed out in the different programs under the control of the Master Control Program (MCP). Specifically a Matchmaker (MM) is a "base functionality module" which controls aspects of the game. The Gizmo is to become authenticated with yet another Server program, in this case it is a Server program called a Matchmaker (MM), but there are a number of prerequisites to this authentication. Matchmakers execute on a Server that does not host any MCPs. A Matchmaker provides (to Gizmos) services that support such operations as bringing players together and supervising game instances. These are termed rendezvous services. The conceptual structure of these software services provided by a MM is shown in FIG. 9. Referring to FIG. 9, there are an open ended number of Game classes (GC) 550, each game class is supported by one or more

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Matchmakers (MM) 551, and indeed some MMs support more than one GC. Closely associated with each MM and executing in the same Server computer are other software objects and these include: Buildings (B) 552, Lobbies (L) 553, Game Rooms (GR) 554, Chat Game Connections (CGC) 555 and Playable Game Connections (PGC) 556. Although a MM may consist of one or more Buildings (B), each B maps to precisely one Lobby (L). For each MM there is an open ended pool of Game Rooms (GR) which are shared by all Lobbies in that MM. Each GR is associated with precisely one CGC and precisely one PGC. MMs exist primarily to provide services to Gizmos and for a Gizmo to be able to use the services of a particular MM. Therefore the MCP has a connection to the MM and is able to have a common interface for connecting additional module. Column 7:19-45 disclose how addition MM are initiated at the command of an MCP. Also see figure 11 part number 520 where everything is interconnected using a network connection as explained in 3:19-35. All of the above elements that are stated to be open ended provide an application program interface for allowing additional game modules to be connected.

The appellant's argue that the examiner did not specifically state where each and every element of the claimed subject matter is located in Rothschild. However, the examiner did state that a thorough reading of the reference by one of ordinary skill in the art would teach each and every claim element. Furthermore, 37 CFR 1.104.(c)(2) states that in rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part

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relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.

In the instant case the cited reference is to the same class of invention and is not more complex than the pending claims and does not describe inventions other than that claimed by the applicant because Rothschild is related to a multiplayer game played over a network. Therefore, the examiner felt that a reading of the cited reference by an artisan of ordinary skill would teach each and every claim element.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

John M Hotaling II

Primary Examiner

JOHN M. HOTALING, II
PRIMARY EXAMINER

10/21/05

Conferees:

Xuan Thai

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